



# House of Representatives

General Assembly

**File No. 629**

January Session, 2009

Substitute House Bill No. 5903

*House of Representatives, April 15, 2009*

The Committee on Government Administration and Elections reported through REP. SPALLONE of the 36th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING ABSENTEE VOTING FOR MEMBERS OF THE ARMED FORCES STATIONED OVERSEAS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-153f of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Notwithstanding the provisions of section 9-140, any elector who  
4 is living, or expects to be living or traveling before and on election day,  
5 outside the territorial limits of the several states of the United States  
6 and the District of Columbia and any member of the armed forces who  
7 is an elector or an applicant for admission as an elector, or the  
8 member's spouse or dependent if living where such member is  
9 stationed, may apply for a blank absentee ballot to vote for all offices  
10 being contested at an election or primary. Application shall be made  
11 upon a form prescribed by the Secretary of the State or on the federal  
12 postcard application form provided pursuant to the Uniformed and  
13 Overseas Citizens Absentee Voting Act, 100 Stat. 924, 42 USC 1973ff et

14 seq., as amended from time to time, or any other applicable law. The  
15 municipal clerk receiving such an application shall, as soon as a  
16 complete list of candidates and questions to be voted upon at such  
17 election or primary becomes available, issue the ballot, which shall be  
18 the blank ballot prescribed and printed by the Secretary of the State  
19 under section 9-153e. The clerk shall include with the ballot a complete  
20 list of the offices to be voted upon, the number of individuals for  
21 which each elector may vote, the candidates, and, in the case of an  
22 election, the party designation of each candidate and questions to be  
23 voted upon. If application for an absentee ballot is made at the time of  
24 availability of regular absentee ballots as provided in said section 9-  
25 140, the provisions of said section 9-140 shall prevail. The procedures  
26 governing the issuance of ballots under this section shall conform as  
27 nearly as may be to the procedures provided in said section 9-140.

28 (b) Notwithstanding the provisions of subsection (a) of this section,  
29 the Secretary of the State shall work in conjunction with the State  
30 Elections Enforcement Commission and the United States Department  
31 of Defense Federal Voting Assistance Program to ensure that any  
32 absent uniformed services voter, as defined in 42 USC 1973ff-6, may  
33 utilize a secure electronic means to receive and submit: (1) The federal  
34 postcard application form provided for pursuant to the Uniformed and  
35 Overseas Citizens Absentee Voting Act, 100 Stat. 924, 42 USC 1973ff et  
36 seq., as amended from time to time, and (2) any absentee ballot issued  
37 pursuant to subsection (a) of this section or section 9-140.

38 (c) Not later than October 1, 2010, the Secretary of the State, in  
39 consultation with the State Elections Enforcement Commission and the  
40 Office of Military Affairs shall adopt regulations, in accordance with  
41 the provisions of chapter 54, to implement the provisions of subsection  
42 (b) of this section. Such regulations, at a minimum, shall provide that  
43 such absent uniformed services voter shall not be required to submit a  
44 paper absentee ballot in addition to the electronic submission of such a  
45 ballot pursuant to subsection (b) of this section. For purposes of this  
46 section, "electronic means" means any transmission made by facsimile  
47 or by any other form of electronic transmission, including, but not

48 limited to, electronic mail that transports an authentic copy of a  
49 document from one user to another.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-153f

**GAE**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

This bill requires the Secretary of the State to establish regulations by October 1, 2010 to allow for absentee voting for members of armed forces who are stationed overseas. There is no anticipated fiscal impact associated with this bill.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sHB 5903*****AN ACT CONCERNING ABSENTEE VOTING FOR MEMBERS OF  
THE ARMED FORCES STATIONED OVERSEAS.*****SUMMARY:**

This bill requires the secretary of the state to work with the State Elections Enforcement Commission (SEEC) and the U.S. Department of Defense Federal Voting Assistance Program to ensure that absent uniformed services voters can use a secure fax, e-mail, or other electronic transmission to receive and submit (1) the official post card form that contains an absentee voter registration application and absentee ballot application for voting in federal elections (see BACKGROUND) and (2) a state absentee ballot. An “absent uniformed services voter” is (1) a member of a uniformed service on active duty or the merchant marine who, by reason of such active duty, is absent from his or her voting district and (2) the spouse or dependent of either of the above who, by reason of the active duty or service of the member, is absent from his or her voting district.

By October 1, 2010, the secretary of the state, in consultation with SEEC and the Office of Military Affairs, must adopt implementing regulations that, at a minimum, provide that an absent uniformed services voter who submits an electronic absentee ballot is not required to also submit the ballot in hard copy.

EFFECTIVE DATE: Upon passage

**BACKGROUND*****Uniformed and Overseas Citizens Absentee Voting Act  
("UOCAVA")***

Congress enacted UOCAVA in 1986 and amended it in 2002 (42 USC 1973ff et seq.). UOCAVA requires that states and territories allow

citizens residing overseas to register and vote absentee in elections for federal offices. It also requires states to use the official post card form for simultaneous absentee voter registration and absentee ballot applications.

The Federal Voting Assistance Program is the program that administers the UOCAVA for the U.S. Department of Defense.

***Absentee Voting in Connecticut***

Article VI, § 7 of the state constitution authorizes the General Assembly to allow electors to vote by absentee ballot only if they are unable to appear at the polling place on the day of election due to (1) absence from their city or town of residence; (2) sickness or physical disability; or (3) the tenets of their religion, which forbid secular activity. The General Assembly exercised its authority by enacting CGS §9-135, which also permits any qualified elector to vote by absentee ballot if, among other things, the individual is in active service with the United States armed forces.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 15      Nay 0      (03/30/2009)